

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

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This Document Relates To:

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*M & P Silver Family Partners II v. Amerada
Hess Corporation, et al.*, 04 Civ. 4975

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**PLAINTIFF AND EXXONMOBIL DEFENDANTS' JOINT MOTION FOR
VOLUNTARY DISMISSAL WITH PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff M & P SILVER FAMILY PARTNERS II and Settling Defendants EXXON MOBIL CORPORATION (INDIVIDUALLY AND F/K/A EXXON CORPORATION AND D/B/A EXXONMOBIL REFINING & SUPPLY COMPANY, EXXON CHEMICAL U.S.A., AND EXXONMOBIL CHEMICAL CORPORATION) AND EXXONMOBIL OIL CORPORATION (INDIVIDUALLY AND F/K/A MOBIL OIL CORPORATION) (COLLECTIVELY, "EXXONMOBIL") (collectively "The Parties") request the Court to enter an Agreed Stipulation and Order of Dismissal. The Parties have agreed to a settlement agreement and final resolution of all matters in controversy between them, including the settlement of the above case. The Parties have agreed that each shall bear their own costs, expenses and attorneys' fees.

WHEREFORE, the Parties request this Court enter the Stipulation and Order of Dismissal with Prejudice under Rule 41 of the Federal Rules of Civil Procedure, costs and expenses to be borne by the party incurring same.

DATED: October , 2010

Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF M & P SILVER FAMILY PARTNERS II AND EXXONMOBIL DEFENDANTS' JOINT MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE PURSUANT TO FRCP 41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on October 8th, 2010.


SHELLY PETERSEN